

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 9/12/2017

BOARD MEMBERS PRESENT: Gary R Bond - Chair
Todd Webb
Rodney Underhill
J Robert Pilote

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Eric Nelson, Board Prosecutor
Mary Miles, Technical Records Specialist II

OTHERS PRESENT: Jon Sullivan, Sullivan Construction LLC
Steven Tidwell, Paragon Construction LLC

The meeting was called to order at 10:00 AM MDT by Gary R Bond.

APPROVAL OF MINUTES

Mr. Pilote made a motion to approve the minutes of 8/8/2017. It was seconded by Mr. Webb. Motion carried.

EXECUTIVE ORDER

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory also updated the Board on the information and process for public comment which has been added to the Board's website. Mr. Webb made a motion to authorize Mr. Pilote to work with Ms. Cory on this issue. It was seconded by Mr. Underhill. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadlines to submit proposed rule and law revisions to the Governor's Office has passed for the 2018 Legislative Session. The Board does not have any changes for the 2018 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$79,804.23 as of 8/31/2017.

DISCIPLINE

Mr. Nelson presented Stipulation and Consent Orders in cases CON-2017-77 and CON-2017-87. Mr. Pilote made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Webb. Motion carried.

Mr. Nelson presented Findings of Fact, Conclusions of Law and Final Orders for cases CON-2017-38, CON-2017-48, and CON-2017-49, and CON-2017-58. Mr. Webb made a motion to approve the Final Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Mr. Underhill. Motion carried.

EXECUTIVE SESSION

Mr. Pilote made a motion that the Board enter executive session to discuss pending litigation with counsel per Idaho Code 74-206 (1)(f). The purpose of the executive session will be to discuss the CON-2016-108. It was seconded by Mr. Webb. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

Mr. Underhill made a motion to come out of executive session. It was seconded by Mr. Webb. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

Following discussion and based on the Board's review of the entire record of CON-2016-108 as presented, Mr. Pilote made a motion to accept the Findings of Fact and amend the Conclusions of Law. The Board finds that Elite Empire Construction, Inc. violated the contractor registration act by failing to disclose previous discipline in the state of Washington and shall be fined \$500, Elite Empire Construction, Inc. failed to display its contractor registration and shall be fined \$500 for that violation and in addition shall pay 2/3 of the fees, costs and investigative costs associated with the case and be placed on 2 years probation.

Further, given the circumstances of the relationship between the homeowner and Elite Empire Construction, Inc. and the lack of evidence in the record regarding the property, Respondent shall be issued a warning letter in regards to its obligation to comply with disclosure laws.

Regarding the definition of residential real property and the disclosure laws, the Board finds the hearing officer's conclusions and recommendations are in error and the Board directed legal counsel to write a decision amending the Conclusions of Law and outlining the Board's position in this matter and to authorize the Board Chair to sign. It was seconded by Mr. Webb. Motion carried.

NEXT MEETING was scheduled for the following dates:

- October 10, 2017 Face to face meeting at 8:30 AM.
- November 14, 2017 Conference call at 10:00 AM.
- December 12, 2017 Conference call at 10:00 AM.

OWNER/OFFICER NAME CHANGE FORMS

The Board reviewed the owner/officer name change form drafts adding the felony and discipline questions. Mr. Webb made a motion to approve the changes to the forms. It was seconded by Mr. Pilote. Motion carried.

EXECUTIVE SESSION

Mr. Underhill made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Webb. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

Mr. Webb made a motion to come out of executive session. It was seconded by Mr. Pilote. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

APPLICATIONS

Mr. Pilote made a motion to approve the following for licensure:

Approved for Licensure

PARAGON CONSTRUCTION LLC
SULLIVAN CONSTRUCTION LLC

RCE-45463
RCE-45583

It was seconded by Mr. Underhill. Motion carried.

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Mr. Underhill made a motion to come out of executive session. It was seconded by Mr. Webb. The vote was: Mr. Webb, aye; Mr. Pilote, aye; Mr. Underhill, aye; and Mr. Bond, aye. Motion carried.

Mr. Webb made a motion to approve the following for licensure:

Approved for Licensure

HEAVEN AND EARTH FINISH SYSTEMS LLC	RCE-45394
ALL PRO REFINISHING LLC	RCE-45399
TOP GUN ROOFING LLC	RCE-45464
COMMON SENSE CONSTRUCTION LLC	RCE-45466
AJM CO LLC	RCE-45594
ALDER TOBIN	RCT-45376
BUCKINGHAM ROBERT S	RCT-45412
CASE CURT	RCT-45350
PRIEST RICK LEE	RCT-45400

It was seconded by Mr. Pilote. Motion carried.

Mr. Pilote made a motion to approve the application for 901154005 pending receipt of further information. It was seconded by Mr. Webb. Motion carried.

Mr. Pilote made a motion to table the application for 901154022 pending receipt of further information. It was seconded by Mr. Webb. Motion carried.

ADJOURNMENT

Mr. Pilote made a motion to adjourn the meeting at 12:13 PM. It was seconded by Mr. Underhill. Motion carried.

Gary R Bond, Chair

Todd Webb

Rodney Underhill

J Robert Pilote

Tana Cory, Bureau Chief